

2024:PHHC:060074

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211-2

CRM-M-57531-2023
Date of decision : 29.04.2024

Gurpreet Singh @ Kaka Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Charanjit Singh Bahia, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Arshpreet, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 15.11.2023, following
order was passed:-

“Apprehending his arrest in FIR No.51 dated
30.09.2023, registered under Sections
307/458/324/323/380/427/120-B/148/149 IPC at
Police Station Kotfatta, District Bathinda, petitioner
seeks pre-arrest bail.

Learned counsel for the petitioner *inter alia*
submits that the allegation against the petitioner is
of having given blow by baseball bat on the back of
the complainant and the injury suffered by the
complainant on his back is simple in nature. He
further relies upon order dated 07.11.2023 passed in
CRM-M-56070-2023 whereby co-accused Angrej
Singh has been granted indulgence.

Notice of motion for 28.02.2024.

On the asking of the Court, Mr. Tarun

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Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State.

To be heard along with CRM-M-56070-2023.

Interim orders in the same terms.”

2. Today, learned State counsel, on instructions from ASI Iqbal Singh, has stated that pursuant to the order dated 15.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 15.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or

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inducement to witnesses with a view to influence outcome of the investigation or trial.

8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

29.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No